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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,698	07/03/2003	Bhiku G. Patel	03-40102-US	7194
7590 10/22/2008 William J. McNichol, Jr., Esquire Reed Smith LLP 2500 One Liberty Place 1650 Market Street Philadelphia, PA 19103-7301			EXAMINER GHALL, ISIS A D	
			ART UNIT 1611	PAPER NUMBER
			MAIL DATE 10/22/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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BHIKU G. PATEL, MOHAN VISHNUPAD,  
EUGENE H. GANS and KULJIT S. BHATIA

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Application No. 10/613,698  
Technology Center 1600

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Mailed: October 22, 2008

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 4, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

A review of the file indicates that the appellants filed a “PETITION UNDER 37CFR §1.84(a)(2) AND (b)(2) REQUESTING ACCEPTANCE OF COLOR PHOTOGRAPHS” on September 28, 2005. However, there is no indication that the Examiner considered the Petition filed September 28, 2005.

Accordingly, it is

**ORDERED** that the application is being electronically returned for consideration and proper response to the Petition filed on September 28, 2005, and for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/gjh

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